

## **§ 101-40.404-2**

### **§ 101-40.404-2 Listing debarred or suspended carriers.**

(a) Carriers which have been debarred or suspended by agency debarring/suspending officials will be included on the consolidated list in accordance with the procedures established at 48 CFR 9.404.

(b) Agency transportation officers should make arrangements for access to the consolidated list through their agency's debarring and/or suspending official.

(c) Agencies shall establish effective internal procedures for the use of the consolidated list to ensure that the agency does not award contracts for transportation to debarred or suspended carriers.

[51 FR 24338, July 3, 1986]

### **§§ 101-40.404-3—101-40.404-5 [Reserved]**

### **§ 101-40.405 Agency records.**

(a) At a minimum, each agency's records relating to a carrier's temporary nonuse shall, in accordance with the agency's internal records retention procedures, contain the following information:

(1) The name, address, and Standard Carrier Alpha Code (SCAC) (see 41 CFR 101-41.310-2(d)) of each carrier placed in temporary nonuse status;

(2) The duration and scope of the temporary nonuse status;

(3) The cause for imposing temporary nonuse, and the facts which demonstrate the existence of such a cause;

(4) Information and arguments in opposition to the imposition of temporary nonuse period submitted by the carrier or his/her representative; and

(5) The reviewing official's determination regarding maintaining or removing the temporary nonuse status.

(b) Records concerning debarment or suspension of carriers shall be maintained in accordance with 48 CFR 9.406-3 and 9.407-3.

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### **§ 101-40.406 Treatment to be accorded debarred or suspended carriers.**

(a) Carriers debarred or suspended by an agency in accordance with 48 CFR subpart 9.4 shall be excluded from re-

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ceiving awards of contracts for transportation. Debarment and suspension shall be applied on a Governmentwide basis on the named carriers and their named affiliates.

(b) Prior to requesting transportation services, agencies shall review the consolidated list for debarred or suspended carriers. If a carrier is listed, the carrier shall receive such treatment as specified therein.

[51 FR 24338, July 3, 1986]

### **§ 101-40.407 Agency coordination.**

When more than one agency has an interest in debarring or suspending a carrier, consideration shall be given to designating one agency as the lead agency for making a decision. Similarly, when the cause for considering placing a carrier in temporary nonuse status involves more than one transportation facility, consideration should be given to designating one transportation officer as the lead official for the decision.

[51 FR 24339, July 3, 1986]

### **§ 101-40.408 Temporary nonuse.**

#### **§ 101-40.408-1 General.**

The agency's authorized transportation officer may, in the best interest of the Government, place a carrier in temporary nonuse for a period not to exceed 90 consecutive days for any of the causes contained in § 101-40.408-2 using the procedures in § 101-40.408-3, except that if a carrier fails within the period specified to correct the cause(s) for which temporary nonuse was imposed, the period of nonuse will be extended an additional 30 days for debarment referral. The existence of a cause for temporary nonuse under § 101-40.408-2 does not necessarily require that a carrier be placed in temporary nonuse; the seriousness of the carrier's acts or omissions and any mitigating factors should be considered in making a temporary nonuse decision. A carrier placed in temporary nonuse is excluded from participating in the agency's transportation activities and programs to the extent and for the period specified. The extent or scope of temporary nonuse may be limited to those agency transportation facilities which have